

PCT

**NOTIFICATION OF THE RECORDING
OF A CHANGE**

(PCT Rule 92bis.1 and
Administrative Instructions, Section 422)

From the INTERNATIONAL BUREAU

To:

GOLIN, MICHAEL A.
Veneable, Baetjer, Howard &
Civiletti, LLP
P.O. Box 34385
Washington, DC 20043-9998
ETATS-UNIS D'AMERIQUE

Date of mailing (day/month/year)
15 March 2001 (15.03.01)

Applicant's or agent's file reference
A008-3221PCT

International application No.
PCT/US99/18738

IMPORTANT NOTIFICATION

International filing date (day/month/year)
18 August 1999 (18.08.99)

1. The following indications appeared on record concerning:

☒ the applicant ☒ the inventor ☐ the agent ☐ the common representative

Name and Address

State of Nationality
US

State of Residence
US

Telephone No.

Facsimile No.

Teleprinter No.

2. The International Bureau hereby notifies the applicant that the following change has been recorded concerning:

☒ the person ☐ the name ☐ the address ☐ the nationality ☐ the residence

Name and Address

LEVINE, Lawrence, T.
#3 Austin Drive
Easton, CT 06612
United States of America

State of Nationality
US

State of Residence
US

Telephone No.

Facsimile No.

Teleprinter No.

3. Further observations, if necessary:

Additional applicant/inventor for the US only.

4. A copy of this notification has been sent to:

☒ the receiving Office ☐ the designated Offices concerned
☐ the International Searching Authority ☒ the elected Offices concerned
☒ the International Preliminary Examining Authority ☐ other:

The International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20, Switzerland

Facsimile No.: (41-22) 740.14.35

Authorized officer

MVC
Maria Victoria CORTIELLO

Telephone No.: (41-22) 338.83.38

PATENT COOPERATION TREATY

PCT

NOTIFICATION OF ELECTION

(PCT Rule 61.2)

From the INTERNATIONAL BUREAU

To:

Assistant Commissioner for Patents
United States Patent and Trademark
Office
Box PCT
Washington, D.C.20231
ETATS-UNIS D'AMERIQUE

in its capacity as elected Office

Date of mailing (day/month/year) 11 May 2000 (11.05.00)	
International application No. PCT/US99/18738	Applicant's or agent's file reference A008-3221PCT
International filing date (day/month/year) 18 August 1999 (18.08.99)	Priority date (day/month/year) 18 August 1998 (18.08.98)
Applicant MEARS, Christopher et al	

1. The designated Office is hereby notified of its election made:



in the demand filed with the International Preliminary Examining Authority on:

17 March 2000 (17.03.00)



in a notice effecting later election filed with the International Bureau on:

2. The election ☒ was

was not

made before the expiration of 19 months from the priority date or, where Rule 32 applies, within the time limit under Rule 32.2(b).

<p>The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland</p> <p>Facsimile No.: (41-22) 740.14.35</p>	<p>Authorized officer</p> <p>Lazar Joseph Panakal</p> <p>Telephone No.: (41-22) 338.83.38</p>
--	---

PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To: MICHAEL A. GOLLLIN
VENABLE, BAETJER, HOWARD & CIVILETTI, LLP
P.O. BOX 34385
WASHINGTON, DC 20043-9998

NOV 17
VENABLE
WASHINGTON, DC

PCT

NOTIFICATION OF TRANSMITTAL OF
INTERNATIONAL PRELIMINARY
EXAMINATION REPORT

(PCT Rule 71.1)

(30 months from 18 AUG 1998)		Date of Mailing (day/month/year)		08 NOV 2000
Applicant's or agent's file reference 29925-152086		IMPORTANT NOTIFICATION		
International application No. PCT/US99/18738	International filing date (day/month/year) 18 AUGUST 1999	Priority Date (day/month/year) 18 AUGUST 1998		
Applicant ARICH INC.				

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary examination report and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.

4. REMINDER

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices)(Article 39(1))(see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

Name and mailing address of the IPEA/US Commissioner of Patents and Trademarks Box PCT Washington, D.C. 20231	Authorized officer DAVID WALCZAK <i>Diane Smith</i>
Facsimile No. (703) 305-3230	Telephone No. 703-308-0608

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 29925-152086	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/US99/18738	International filing date (day/month/year) 18 AUGUST 1999	Priority date (day/month/year) 18 AUGUST 1998
International Patent Classification (IPC) or national classification and IPC IPC(7): A46B 5/02, 11/00 and US Cl.: 401/118, 190		
Applicant ARICH INC.		

1.	This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2.	This REPORT consists of a total of <u>4</u> sheets. <input type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority. (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT). These annexes consist of a total of <u>8</u> sheets.
3.	This report contains indications relating to the following items: <ul style="list-style-type: none"> I <input checked="" type="checkbox"/> Basis of the report II <input type="checkbox"/> Priority III <input type="checkbox"/> Non-establishment of report with regard to novelty, inventive step or industrial applicability IV <input type="checkbox"/> Lack of unity of invention V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement VI <input type="checkbox"/> Certain documents cited VII <input type="checkbox"/> Certain defects in the international application VIII <input type="checkbox"/> Certain observations on the international application

Date of submission of the demand 17 MARCH 2000	Date of completion of this report 16 OCTOBER 2000
Name and mailing address of the IPEA/US Commissioner of Patents and Trademarks Box PCT Washington, D.C. 20231	Authorized officer DAVID WALCZAK <i>David Amata</i>
Facsimile No. (703) 305-3230	Telephone No. 703-308-0608

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/US99/18738

I. Basis of the report

1. With regard to the elements of the international application:*

☐ the international application as originally filed☒ the description:

pages (See Attached)

, as originally filed

pages

, filed with the demand

pages

, filed with the letter of

☒ the claims:

pages (See Attached)

, as originally filed

pages

, as amended (together with any statement) under Article 19

pages

, filed with the demand

pages

, filed with the letter of

☒ the drawings:

pages (See Attached)

, as originally filed

pages

, filed with the demand

pages

, filed with the letter of

☒ the sequence listing part of the description:

pages (See Attached)

, as originally filed

pages

, filed with the demand

pages

, filed with the letter of

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).☐ the language of publication of the international application (under Rule 48.3(b)).☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

☐ contained in the international application in printed form.☐ filed together with the international application in computer readable form.☐ furnished subsequently to this Authority in written form.☐ furnished subsequently to this Authority in computer readable form.☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.4. ☒ The amendments have resulted in the cancellation of:☒ the description, pages NONE☒ the claims, Nos. NONE☒ the drawings, sheets/fig. NONE5. ☐ This report has been drawn as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

**Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/US99/18738

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**1. statement**

Novelty (N)	Claims	<u>(Please See supplemental sheet)</u>	YES
	Claims	<u>(Please See supplemental sheet)</u>	NO
Inventive Step (IS)	Claims	<u>(Please See supplemental sheet)</u>	YES
	Claims	<u>(Please See supplemental sheet)</u>	NO
Industrial Applicability (IA)	Claims	<u>(Please See supplemental sheet)</u>	YES
	Claims	<u>(Please See supplemental sheet)</u>	NO

2. citations and explanations (Rule 70.7)

Claims 12, 20, 26-28, 34 and 38-40 lack novelty under PCT Article 33(2) as being anticipated by Wiegner et al. Wiegner et al disclose a hand held applicator comprised of two containers, a valve on each container, an inlet, an outlet and a tortuous flow path between the inlet and outlet for mixing the fluids in the two containers.

Claims 1-11, 13-19, 21-25, 29-33, 35-37 and 41-44 meet the criteria set out in PCT Article 33(2)-(4), because the prior art does not teach or fairly suggest a dispensing device as claimed.

----- NEW CITATIONS -----

US 5,289,944 A (WIEGNER et al.) 01 MARCH 1994, see entire document.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/US99/18738

Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of: Boxes I - VIII

Sheet 10

I. BASIS OF REPORT:

This report has been drawn on the basis of the description,
page(s) 1-26, as originally filed.
page(s) NONE, filed with the demand.
and additional amendments:
NONE

This report has been drawn on the basis of the claims,
page(s) NONE, as originally filed.
page(s) NONE, as amended under Article 19.
page(s) NONE, filed with the demand.
and additional amendments:
pages 27-34, filed with the letter of 25 August 2000.

This report has been drawn on the basis of the drawings,
page(s) 1-7, as originally filed.
page(s) NONE, filed with the demand.
and additional amendments:
NONE

This report has been drawn on the basis of the sequence listing part of the description:
page(s) NONE, as originally filed.
pages(s) NONE, filed with the demand.
and additional amendments:
NONE

V. 1. REASONED STATEMENTS:

The report as to Novelty was positive (YES) with respect to claims 1-11, 13-19, 21-25, 29-33, 35-37, 41-44.
The report as to Novelty was negative (NO) with respect to claims 12, 20, 26-28, 34, 38-40.
The report as to Inventive Step was positive (YES) with respect to claims 1-11, 13-19, 21-25, 29-33, 35-37, 41-44.
The report as to Inventive Step was negative (NO) with respect to claims 12, 20, 26-28, 34, 38-40.
The report as to Industrial Applicability was positive (YES) with respect to claims 1-44.
The report as to Industrial Applicability was negative (NO) with respect to claims NONE.

WHAT IS CLAIMED IS

1. A dispensing device mountable in use atop a plurality of independently valved container containing dispensable constituents which are dispensed upon actuation of the container valves, the dispensing device comprising: a mixing chamber for mixing together the constituents dispensed from the containers to form a mixed product and for outputting the mixed product through plural outlet ports, wherein the mixing chamber has an inlet port for admitting the constituents dispensed from the containers into the mixing chamber, and an elongated tortuous flow path defined by at least one of (a) a baffle defining a spiral flow path, and (b) a baffle defining a sinuous flow path, said baffle comprising at least two baffle members which overlap over a majority of their respective lengths, said tortuous flow path having one end communicating with the inlet port and another end communicating with the plural outlet ports, the tortuous flow path being effective to thoroughly intermix the constituents during flow thereof from the inlet port through the tortuous flow path to the outlet ports; an applicator having a plurality of tines at least some of which are hollow, the hollow tines being in fluid communication with respective outlet ports of the mixing chamber for dispensing from distal ends thereof the mixed product; and an actuator for simultaneously actuating the container valves.

2. A dispensing device according to claim 1; wherein the plurality of tines comprise hollow tines in fluid communication with respective outlet ports of the mixing chamber, and solid tines coacting with the hollow tines for spreading the dispensed mixed product.

3. A dispensing device according to claim 2; wherein the hollow tines are shorter in length than the solid tines.

4. A dispensing device according to claim 1; wherein the elongated tortuous flow path has a sinuous shape.

5. A dispensing device according to claim 1; wherein the elongated tortuous flow path has a spiral shape.

6. A dispensing device according to claim 1; wherein the mixing chamber and the applicator are formed of two parts fitted together.

7. A dispensing device according to claim 6; wherein the two parts have opposed spaced-apart surfaces defining the mixing chamber.

8. A dispensing device according to claim 7; wherein the baffle extends outwardly from one of the opposed surfaces of one of the two parts and engages the other opposed surface of the other of two parts.

9. A dispensing device according to claim 8; wherein the baffle comprises a plurality of baffle members defining a sinuous flow path, whereby the constituents admitted through the inlet port undergo repeated deflection by the baffle members to effect thorough mixing of the constituents during their flow along the sinuous flow path to the outlet ports.

10. A dispensing device according to claim 8; wherein the baffle defines a spiral flow path communicating with the inlet port at the center thereof and communicating with the outlet ports at the outer end thereof, whereby the constituents admitted through the inlet port undergo thorough intermixing during the flow along the spiral flow path to the outlet ports.

11. A dispensing device according to claim 6; wherein the actuator is formed as one of the two parts.

12. A hand-held applicator for dispensing and applying a fluid product, comprising: an inlet connectable to

a source of fluid product to be dispensed; an outlet; and means defining flow passages communicating the inlet with the outlet to enable the fluid product to flow serially from the inlet through the flow passages and through outlet wherein the flow passages comprise a tortuous flow path including at least one baffle mixing station disposed in the tortuous flow path.

13. The applicator of claim 14, further comprising a plurality of tines, at least some of which are hollow, wherein the outlet comprises one or more of said hollow tines and the flow passages communicating the inlet with the hollow tines enable the fluid product to flow serially from the inlet through the flow passages and through the hollow tines to be dispensed at distal ends of the hollow tines.

14. A hand-held applicator according to claim 13; wherein the plurality of tines comprise hollow tines and solid tines, the solid tines coacting with the hollow tines for spreading and applying the fluid product dispensed from the distal ends of the hollow tines.

15. A hand-held applicator according to claim 13; wherein the hollow tines have a length shorter than that of the solid tines.

16. A hand-held applicator according to claim 12; further comprising a base portion having the inlet connected thereto; and a comb portion having the outlet connected thereto; wherein the outlet comprises a plurality of tines, at least some of which are hollow, to enable the fluid product to flow serially from the inlet through the flow passages and through the hollow tines to be dispensed at distal ends of the hollow tines and wherein the base and comb portions have opposed spaced-apart surfaces defining therebetween the flow passages that communicate the inlet with the hollow tines.

17. A hand-held applicator according to claim 16; wherein one of the opposed surfaces of the base and comb

portions has a partition wall extending outwardly therefrom into contact with the other one of the opposed surfaces to define the flow passages.

18. A hand-held applicator according to claim 17; wherein the plurality of tines comprise hollow tines and solid tines, the solid tines coacting with the hollow tines for spreading and applying the fluid product dispensed from the distal ends of the hollow tines.

19. A hand-held applicator according to claim 18; wherein the hollow tines have a length shorter than that of the solid tines.

20. A dispensing device according to claim 12; wherein each baffle mixing station comprises an upstream baffle member and a downstream baffle member, the baffle members being staggered from one another with respect to the principal direction of flow of the constituents along the tortuous flow path.

21. A dispensing device according to claim 20; wherein one of the baffle members of each baffle mixing station is positioned in the center of the tortuous flow path so that the constituents can flow past both ends thereof.

22. A dispensing device according to claim 21; wherein the other of the baffle members of each baffle mixing station is positioned at one side of the tortuous flow path so that the constituents can flow past only one end thereof.

23. A dispensing device according to claim 12; wherein each baffle mixing station comprises an upstream baffle member positioned in the center of the tortuous flow path, and two downstream baffle members positioned at opposed sides of the tortuous flow path and defining therebetween a narrow passageway within the tortuous flow path.

24. A dispensing device according to claim 23;

wherein the narrow passageway is located substantially entirely behind the upstream baffle member.

25. A dispensing device according to claim 12; further including a baffle member disposed in the inlet region and positioned to create flow separation and turbulence of the constituents entering the mixing chamber from the inlet ducts.

26. A dispensing device according to claim 12; further including an actuator for simultaneously actuating the container valves to simultaneously dispense the constituents from the containers into the respective inlet ducts.

27. A dispensing device mountable in use atop a plurality of valved containers containing dispensable constituents which are dispensed upon actuation of the container valves, the dispensing device comprising: a plurality of inlet ducts receptive of the constituents from respective ones of the containers; and a mixing chamber having an inlet region in communication with the inlet ducts for receiving therefrom the constituents, and a tortuous flow path having one end in communication with the inlet region and another end in communication with an outlet, the tortuous flow path being effective to progressively intermix the constituents during flow thereof from the inlet region through the tortuous flow path to the outlet wherein the tortuous flow path includes one or more baffle mixing stations disposed therein for creating turbulent local mixing of the constituents.

28. A dispensing device according to claim 27; wherein each baffle mixing station comprises an upstream baffle member and a downstream baffle member, the baffle members being staggered from one another with respect to the principal direction of flow of the constituents along the tortuous flow path.

29. A dispensing device according to claim 28;

wherein one of the baffle members of each baffle mixing station is positioned in the center of the tortuous flow path so that the constituents can flow past both ends thereof.

30. A dispensing device according to claim 29; wherein the other of the baffle members of each baffle mixing station is positioned at one side of the tortuous flow path so that the constituents can flow past only one end thereof.

31. A dispensing device according to claim 27; wherein each baffle mixing station comprises an upstream baffle member positioned in the center of the tortuous flow path, and two downstream baffle members positioned at opposed sides of the tortuous flow path and defining therebetween a narrow passageway within the tortuous flow path.

32. A dispensing device according to claim 31; wherein the narrow passageway is located substantially entirely behind the upstream baffle member.

33. A dispensing device according to claim 27; further including a baffle member disposed in the inlet region and positioned to create flow separation and turbulence of the constituents entering the mixing chamber from the inlet ducts.

34. A dispensing device according to claim 27; further including an actuator for simultaneously actuating the container valves to simultaneously dispense the constituents from the containers into the respective inlet ducts.

35. A dispensing device according to claim 27; wherein the mixing chamber is comprised of two complementary sections connected together to define therebetween the mixing chamber, the complementary sections each having complementary wall portions which align with and abut one another to define the tortuous flow path.

36. A dispensing device according to claim 35; wherein the complimentary sections have arm portions each

containing therein one of the inlet ducts.

37. A dispensing device according to claim 27, further comprising:

an applicator having a plurality of tines in fluid communication with the outlet, at least one of said tines being hollow for dispensing the intermixed constituents through ends distal to the outlet.

38. A dispensing device according to claim 27, wherein the tortuous path has a sinuous shape.

39. A dispensing device according to claim 27, wherein the mixing chamber comprises a baffle.

40. A dispensing device according to claim 39, wherein the baffle comprises a plurality of baffle members defining the tortuous flow path.

41. A dispensing device mountable in use atop a plurality of valved containers containing dispensable constituents which are dispensed upon actuation of the container valves, the dispensing device comprising:

an actuator for simultaneously actuating the valves of the valved containers to release the constituents of the containers;

inlet ducts receptive of the constituents of each said valved container;

a mixing chamber effective to progressively intermix the constituents, said mixing chamber being in communication with the inlet ducts for receiving the constituents therefrom, and said mixing chamber comprising:

at least one wall portion defining a sinuous flow path for said constituents,

at least one baffle mixing station comprising
at least one baffle member extending at least partially
into said sinuous flow path, and,

at least one outlet for discharging the
intermixed constituents; and

an applicator having a plurality of tines, at least
some of which are hollow, the hollow tines being in fluid
communication with the at least one outlet of the mixing
chamber for dispensing the intermixed constituents through
ends distal to the at least one outlet of the mixing chamber.

42. A dispensing device mountable in use atop a
plurality of independently valved containers containing
dispensable constituents which are dispensed upon actuation of
the container valves, the dispensing device comprising:

a mixing chamber having at least one inlet duct for
admitting the constituents dispensed from the containers, and
an elongated tortuous flow path having one end in fluid
communication with the at least one inlet duct, said tortuous
flow path defined by at least one of (a) a baffle defining a
spiral flow path, and (b) a baffle defining a sinuous flow
path, said baffle comprising at least two baffle members which
overlap over a majority of their respective lengths; and

an applicator admitting the mixed product from the
mixing chamber having at least one outlet port.

43. A dispensing device according to claim 42,
wherein the elongated tortuous flow path has a sinuous shape.

44. A dispensing device according to claim 42,
wherein the baffle defines a spiral flow path.

09/763089

INTERNATIONAL SEARCH REPORT

International application No.
PCT/US99/18738

A. CLASSIFICATION OF SUBJECT MATTER

IPC(6) : A46B 5/02, 11/00

US CL : 401/118, 190

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

U.S. : 401/118, 190

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched
None

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)
None

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X --- Y	US 3,961,635 A (MIYA) 08 June 1976, see entire document.	14, 15 ----- 1-3, 7, 13, 16
X --- Y	FR 1,353,494 A (L'OREAL) 16 November 1962, see entire document.	21 ----- 1-3, 7, 13

☐ Further documents are listed in the continuation of Box C. ☐ See patent family annex.

* Special categories of cited documents:	*T* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
A document defining the general state of the art which is not considered to be of particular relevance	*X* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
E earlier document published on or after the international filing date	*Y* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art
L document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)	*Z* document member of the same patent family
O document referring to an oral disclosure, use, exhibition or other means	
P document published prior to the international filing date but later than the priority date claimed	

Date of the actual completion of the international search

27 OCTOBER 1999

Date of mailing of the international search report

09 NOV 1999

Name and mailing address of the ISA/US
Commissioner of Patents and Trademarks
Box PCT
Washington, D.C. 20231

Facsimile No. (703) 305-3230

Authorized officer

DAVID WALCZAK

Telephone No. 703-308-0608

09/763 0845

PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To: MICHAEL A. GOLLLIN
VENABLE, BAETJER, HOWARD & CIVILETTI, LLP
P.O. BOX 34385
WASHINGTON, DC 20043-9998

PCT

WRITTEN OPINION

due: Aug 27, 2000 (PCT Rule 66) *(initials)*

Applicant's or agent's file reference 29925-152086		Date of Mailing (day/month/year) 27 JUL 2000
REPLY DUE within ONE months from the above date of mailing		
International application No. PCT/US99/18738	International filing date (day/month/year) 18 AUGUST 1999	Priority date (day/month/year) 18 AUGUST 1998
International Patent Classification (IPC) or both national classification and IPC IPC(7): A46B 5/02, 11/00 and US Cl.: 401/118, 190		
Applicant ARICH INC.		

1. This written opinion is the first (first, etc.) drawn by this International Preliminary Examining Authority.

2. This opinion contains indications relating to the following items:

- I ☒ Basis of the opinion
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step or industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

3. The applicant is hereby invited to reply to this opinion.

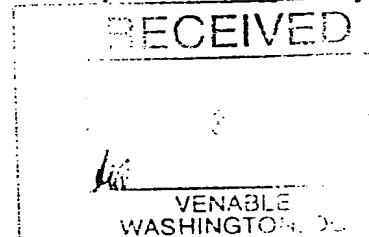
When? See the time limit indicated above. ~~The applicant may, before the expiration of that time limit, request this Authority to grant an extension, see Rule 66.2(d).~~

How? By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3. For the form and the language of the amendments, see Rules 66.8 and 66.9.

Also For an additional opportunity to submit amendments, see Rule 66.4.
For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4 bis.
For an informal communication with the examiner, see Rule 66.6.

If no reply is filed, the international preliminary examination report will be established on the basis of this opinion.

4. The final date by which the international preliminary examination report must be established according to Rule 69.2 is: 18 DECEMBER 2000



Name and mailing address of the IPEA/US Commissioner of Patents and Trademarks Box PCT Washington, D.C. 20231	Authorized officer DAVID WALCZAK <i>Diane Smith for</i>
Facsimile No. (703) 305-3230	Telephone No. 703-308-0608

PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To: MICHAEL A. GOLLLIN
VENABLE, BAETJER, HOWARD & CIVILETTI, LLP
P.O. BOX 34385
WASHINGTON, DC 20043-9998

PCT

WRITTEN OPINION

(PCT Rule 66)

Applicant's or agent's file reference 29925-152086		Date of Mailing (day/month/year) 27 JUL 2000
International application No. PCT/US99/18738		REPLY DUE within ONE months from the above date of mailing
International filing date (day/month/year) 18 AUGUST 1999	Priority date (day/month/year) 18 AUGUST 1998	
International Patent Classification (IPC) or both national classification and IPC IPC(7): A46B 5/02, 11/00 and US Cl.: 401/118, 190		
Applicant ARICH INC.		

1. This written opinion is the first (first, etc.) drawn by this International Preliminary Examining Authority.
2. This opinion contains indications relating to the following items:
 - I ☒ Basis of the opinion
 - II ☐ Priority
 - III ☐ Non-establishment of opinion with regard to novelty, inventive step or industrial applicability
 - IV ☐ Lack of unity of invention
 - V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
 - VI ☐ Certain documents cited
 - VII ☐ Certain defects in the international application
 - VIII ☐ Certain observations on the international application
3. The applicant is hereby invited to reply to this opinion.

When? See the time limit indicated above. ~~The applicant may, before the expiration of that time limit, request this Authority to grant an extension, see Rule 66.2(d).~~

How? By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3. For the form and the language of the amendments, see Rules 66.8 and 66.9.

Also For an additional opportunity to submit amendments, see Rule 66.4.
For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4 bis.
For an informal communication with the examiner, see Rule 66.6.

If no reply is filed, the international preliminary examination report will be established on the basis of this opinion.
4. The final date by which the international preliminary examination report must be established according to Rule 69.2 is: 18 DECEMBER 2000

Name and mailing address of the IPEA/US Commissioner of Patents and Trademarks Box PCT Washington, D.C. 20231	Authorized officer DAVID WALCZAK <i>Diane Smith for</i> Telephone No. 703-308-0608
Facsimile No. (703) 305-3230	

WRITTEN OPINION

International application No.

PCT/US99/18738

I. Basis of the opinion

1. With regard to the **elements** of the international application:*

- ☐ the international application as originally filed
- ☒ the description:
 pages _____ (See Attached) _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☒ the claims:
 pages _____ (See Attached) _____, as originally filed
 pages _____, as amended (together with any statement) under Article 19
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☒ the drawings:
 pages _____ (See Attached) _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☒ the sequence listing part of the description:
 pages _____ (See Attached) _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.
 These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the written opinion was drawn on the basis of the sequence listing:

- ☐ contained in the international application in printed form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☒ The amendments have resulted in the cancellation of:

- ☒ the description, pages _____ NONE _____
- ☒ the claims, Nos. _____ NONE _____
- ☒ the drawings, sheets/fig _____ NONE _____

5. ☐ This opinion has been drawn as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed".

WRITTEN OPINION

International application No.

PCT/US99/18738

V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. statement

Novelty (N)	Claims	<u>(Please See supplemental sheet)</u>	YES
	Claims	<u>(Please See supplemental sheet)</u>	NO
Inventive Step (IS)	Claims	<u>(Please See supplemental sheet)</u>	YES
	Claims	<u>(Please See supplemental sheet)</u>	NO
Industrial Applicability (IA)	Claims	<u>(Please See supplemental sheet)</u>	YES
	Claims	<u>(Please See supplemental sheet)</u>	NO

2. citations and explanations

Claims 14, 15, 17, 18 and 19 lack novelty under PCT Article 33(2) as being anticipated by Miya. The Miya reference discloses a hand-held applicator having an inlet and hollow tines as claimed.

Claims 21-24, 26, 27, 29-32, 42 and 43 lack novelty under PCT Article 33(2) as being anticipated by Wiegner. The Wiegner reference discloses a dispensing device mountable on top of containers 1 and 5 and which includes a tortuous flow path having baffles therein in a mixing chamber for mixing the contents of the containers as claimed.

Claims 16 and 20 lack an inventive step under PCT Article 33(3) as being obvious over Miya. Although the tines in the Miya device are all the same length, it is the Examiner's position that it would have been obvious to one of ordinary skill in the art at the time the invention was made that the tines can have any suitable lengths, including varying lengths, without effecting the overall operation of the device.

Claims 1-9, 13, 33-38 and 41 lack an inventive step under PCT Article 33(3) as being obvious over Wiegner in view of Miya. As discussed supra, Weigner discloses a dispensing device. Although the Weigner device does not include an applicator as claimed, attention is directed to the Miya reference which, as discussed supra, discloses an applicator as claimed. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to including such an applicator onto the Weigner device in order to effectively apply the contents of the containers.

Claims 10-12, 25 and 28 meet the criteria set out in PCT Article 33(2)-(4), because the prior art does not teach or fairly suggest the claimed features.

----- NEW CITATIONS -----

US 5,289,944 A (WIEGNER et al.) 01 MARCH 1994, see entire document.

WRITTEN OPINION

International application No.

PCT/US99/18738

Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of: Boxes I - VIII

Sheet 10

TIME LIMIT:

The time limit set for response to a Written Opinion may not be extended. 37 CFR 1.484(d). Any response received after the expiration of the time limit set in the Written Opinion will not be considered in preparing the International Preliminary Examination Report.

I. BASIS OF OPINION:

This opinion has been drawn on the basis of the description:

page(s) 1-26, as originally filed.

page(s) none, filed with the demand.

and additional amendments:

none

This opinion has been drawn on the basis of the claims:

page(s) 27-31, as originally filed.

page(s) none, as amended under Article 19.

page(s) 33-34, filed with the demand.

and additional amendments:

none

This opinion has been drawn on the basis of the drawings:

page(s) 1-7, as originally filed.

page(s) none, filed with the demand.

and additional amendments:

none

This opinion has been drawn on the basis of the sequence listing part of the description:

page(s) NONE, as originally filed.

pages(s) NONE, filed with the demand.

and additional amendments:

NONE

V. 1. REASONED STATEMENTS:

The opinion as to Novelty was positive (YES) with respect to claims 1-13, 16, 20, 25, 28, 33-41.

The opinion as to Novelty was negative (NO) with respect to claims 14, 15, 17-19, 21-24, 26, 27, 29-32, 42, 43.

The opinion as to Inventive Step was positive (YES) with respect to claims 10-12, 25, 28.

The opinion as to Inventive Step was negative (NO) with respect to claims 1-9, 13-24, 26, 27, 29-43.

The opinion as to Industrial Applicability was positive (YES) with respect to claims 1-43.

The opinion as to Industrial Applicability was negative (NO) with respect to claims NONE.